

Planning Commission Recommended, July 13, 2006

EXHIBIT G030002L:A

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 22 OF THE SAN LUIS OBISPO COUNTY CODE,
THE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS RELATING TO
SECONDARY DWELLING STANDARDS AND PERMIT REQUIREMENTS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 22.06.030 - Table 2-2 - Allowable Land uses and Permit Requirements of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by deleting Note (7) and renumbering Note(8) to Note (7) and Note (9) to Note (8) for Residential Uses and deleting or modifying the references to the Notes in the body of the Table as appropriate.

SECTION 2: Section 22.102.060F7 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

7. **Site Plan requirement.** No grading or construction permit shall be issued for building sites on Lot 2 of Tract 1293 until the following conditions are met.
- a. For the eastern-most building site, a Minor Use Permit shall be required for the primary residence and any accessory structures. The Minor Use Permit shall propose locating the residence and any accessory structures such that oak tree removal and visual impacts from the development are minimized. reviewed and approved by the Department that minimizes oak tree removal and visual impact of any proposed structures. A secondary dwelling constructed concurrently with, or after, construction of the primary dwelling and meeting the standards set forth in Section 22.30.470 is not subject to the Minor Use Permit requirement.

SECTION 3: Section 22.104.080A2 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

2. **Permit requirements.**

- a. Minor Use Permit approval is required for all new construction or exterior alteration of existing structures where a land use permit is otherwise required by this Title, except for the following:
- (1) Minor exterior alterations, as well as expansions not to exceed 10 percent of the existing floor area, may be exempted from this requirement by the Director of Planning and Building. Such projects are still subject to other applicable requirements.

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- (2) Exterior facade remodeling and expansions that exceed 10 percent of the existing floor area may be approved as “minor” Minor Use Permits if they are determined to be categorically exempt from the California Environmental Quality Act by the Director of Planning and Building and are in conformance with the Santa Margarita Design Plan.
- (3) New uses that are proposed to occupy existing development. Such uses are still subject to other applicable permit requirements.
- (4) Single-family and multi-family residences and residential accessory structures, secondary dwellings, and agricultural accessory structures.
- (5) Where Conditional Use Permit approval is otherwise required by this Title.

SECTION 4: Section 22.104.090A2 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

2. Permit requirements.

- a. Minor Use Permit approval is required for all new construction or exterior alteration of existing structures where a land use permit is otherwise required by this Title, except for the following:
 - (1) Agricultural and residential accessory structures;
 - (2) Minor exterior alterations, as well as expansions not to exceed 100 square feet, that are in conformance with the Templeton Community Design Plan may be exempted from this requirement by the Director. These projects are still subject to other applicable permit requirements;
 - (3) Multi-family residences and their accessory buildings that are required by this Title to have Zoning Clearance approval;
 - (4) Public parks;
 - (5) Single-family dwellings, additions to single family dwellings that are not adjacent to riparian habitats associated with blue line streams such as Toad Creek;
 - (6) Secondary dwellings; or
 - ~~(6)~~ Where Conditional Use Permit approval is otherwise required by this Title

Site Plan Review or Zoning Clearances are classified as "ministerial" projects that by law are required to conform only to clearly defined criteria. The criteria in the following standards are based on the guidelines included in the Templeton Community Design Plan.

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SECTION 5: Section 22.106.020E2 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby modified to read as follows:

2. **Tract 1256.** The following standards apply only to the Residential Suburban category in Tract 1256 south of Arroyo Grande (see figure 106-2)
 - a. **Parcel size.** The minimum parcel size for new land divisions is 2.5 acres unless chapter 22.22 would otherwise require larger sizes.
 - b. ~~**Permit Requirements.** Conditional Use Permit approval is required for any dwelling units in addition to one primary unit for each lot of the tract.~~

SECTION 6: Section 22.106.050A5 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

5. **Residential Suburban (RS).** The following standards apply within the Residential Suburban land use category.
 - a. **Limitation on use.** Land uses identified by Section 22.06.030 as being allowable, permitted, or conditional uses in the RS land use category may be authorized in compliance with the land use permit requirements of that Section, except: cemeteries and columbariums; child day care centers and family day care homes; forestry; grocery stores; mobile home parks; nursery specialties; nursing and personal care; residential care; restaurants; rural recreation and camping; schools, elementary and secondary.
 - b. **Permit requirement.** Conditional Use Permit approval is required for all uses (except secondary dwellings) prior to approval of a Tentative Map for land division. Preservation of existing views and scenic values are factors to be considered in the review of the Conditional Use Permit.

SECTION 7: Section 22.106.050A5e of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

- e. **Tract 699.** The following standards apply to Tract 699, in addition to the standards in Subsections A.5.a through A.5.d, where applicable.
 - (3) **Permit requirement.** Minor Use Permit approval is required for all uses except secondary dwellings prior to any grading or construction, to ensure compliance with the objectives and requirements of the approved Conditional Use Permit. Minor Use Permits are subject to the following criteria.

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SECTION 8: Section 22.108.030B7 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

7. **Hillside parcels at the southeast City limits.** The following standards apply to the area shown in Figure 108-9 in addition to the above standards for Sensitive Resource Areas.
 - a. **Permit requirement.** Minor Use Permit approval is required for all new structures except agricultural and residential accessory structures and secondary dwellings.
 - b. **Sites visible from local streets.** Views of the site from Broad Street shall replace those from other scenic highways or the railroad in determining compliance with the above standards for Sensitive Resource Areas.

SECTION 9: Section 22.112.040G4 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

4. **Sheehy Road, Dana-Foothill Road, upper Los Berros Road and Highland Hills Road area.** The following standards apply within the Sheehy Road and Highland Hills Road area on the northeast side of Dana-Foothill Road and southeast side of Upper Los Berros Road (see Figure 112-28).
 - a. **Minimum parcel size.** The maximum density and the number of residential lots allowed shall be computed on the basis of one residential lot and single-family dwelling per 10 acres of gross site area, except that 20 acres shall be used to calculate allowable density on Parcels A through D of Parcel Map CO 83-195 if the cluster division standards of this Title are not utilized for proposed land divisions.
 - b. **Limitations on use.** Land uses identified by Section 22.06.030 as allowable, permitted, or conditional within the RR land use category may be authorized in compliance with the land use permit requirements of that Section, except: airfields and landing strips; farm equipment and supplies; grocery stores; organizational houses; outdoor sports and recreation; restaurants; rural recreation and camping; schools - pre to secondary; mining.
 - c. **Residential density.** The maximum allowable residential density is one dwelling unit and one caretaker's residence or secondary dwelling per parcel, with caretaker's residences ~~and secondary dwellings~~ subject to Minor Use Permit approval, except that the maximum allowable residential density for Parcels A through D of Parcel Map CO 83-195 shall be one dwelling only per parcel if the cluster division standards of this Title are ~~utilized~~ used for proposed land divisions.
 - d. **Site planning - new land divisions.** Building sites and driveways shall be sited in order to reduce topographic alteration of the site and minimize visual impacts to surrounding properties. Common driveways shall be encouraged. Designation of building sites and driveways shall be required as part of subdivision and parcel map approvals.

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SECTION 10. Section 22.30.470C2 (Residential Secondary Dwellings) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

2. ~~Minimum access. A secondary dwelling is allowed only on a site that has frontage:~~
 - a. ~~On a road or private easement that is maintained by the County, State or special district;~~
 - b. ~~On a road that is offered for dedication to the public and is surfaced with chip seal or better; or~~
 - c. ~~On a private easement that is surfaced with chip seal or better.~~
- ~~For the roads or easements described in Subsections C.2.b or C.2.c, the access shall be maintained through organized maintenance, such as a road maintenance agreement or homeowners association.~~

SECTION 11. Section 22.30.470.F. (Residential Secondary Dwellings) of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended as follows:

F. Design standards

1. ~~Within the Residential Single-Family category.~~ The following apply to all land use categories where secondary dwellings are allowed.
 - a. ~~The maximum floor area of a secondary dwelling shall be 640 square feet, except that such area may be increased to a maximum of 800 square feet (exclusive of any garage) where the site satisfies the requirements of Subsection F.1.b.~~
 - b. ~~The secondary dwelling shall be permanently attached by a common wall to the primary dwelling or on the second floor of the primary dwelling's detached garage and shall use the same design style except:~~
 - (1) ~~Where the site area is 12,000 square feet or larger and the site is served by community water and sewer; or~~
 - (2) ~~Where the site area is one acre (net) or larger and the site is served by community water and on-site sewage disposal; or~~
 - (3) ~~Where the site area is 2.5 acres (net) or larger and the site is served by on-site water supply and sewage disposal.~~
 - ~~In these cases the secondary dwelling may be detached if it employs an exterior design style compatible with the primary dwelling and is located on the rear of the site, provided that no more than 50 percent of the site shall be covered by structures.~~

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- ~~c. Entrances shall be designed to maintain the character of a single dwelling and to avoid the attached secondary dwelling changing the appearance of the primary dwelling to resemble a duplex. The entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless the entrance to both the primary and secondary dwellings is shared.~~

~~2. Other allowed land use categories:~~

- ~~a. The maximum floor area of a secondary dwelling shall be 800 square feet, except that such area may be increased to a maximum of 1200 square feet (exclusive of any garage) where the site satisfies the requirements of Subsections F.2.b:~~

- ~~b. The secondary dwelling shall be permanently attached by a common wall to, or located within 50 feet of, the primary dwelling or on the second floor of the primary dwelling's detached garage and shall use the same design style except:~~

- ~~(1) Where the site is two acres (net) or larger and the site is served by community water or sewer, or~~

- ~~(2) Where the site area is five acres (net) or larger and the site is served by on-site water supply and sewage disposal.~~

~~In these cases the secondary dwelling may be detached from the primary dwelling but shall be of a design style compatible with the existing primary dwelling. For sites of 20 acres or larger in residential categories, the secondary dwelling shall be located within 500 feet of the primary dwelling. For sites less than 20 acres, the secondary dwelling shall be located within 250 feet of the primary dwelling. An attached secondary dwelling shall comply with the design provisions of Subsection f.1e.~~

SIZE OF LOT	MAXIMUM SIZE OF UNIT(1)	TYPE OF ROAD SURFACE(2)	MAXIMUM DISTANCE FROM PRIMARY UNIT
6,000 sq. ft. - 20,000 sq. ft.	640 square feet	Paved	10 feet
> 20,000 sq. ft. - 1 acre	640 square feet	Paved	50 feet
> 1 acre - 2 acres	800 square feet	Chip seal(3)	50 feet
> 2 acres - 5 acres	800 square feet	Chip seal(3)	100 feet
> 5 acres	800 square feet	Chip Seal(3)	250 feet

Notes:

(1) Includes attics greater than six feet in height, unconditioned storage space and lofts.

(2) If the road that provides access to the property is maintained by the County, State or special district; the surfacing requirement does not apply. If the road is not maintained by the County, State or special district, the surfacing requirement applies and the road must be maintained through an agreement with property owners fronting the road or through an established homeowners association.

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(3) Chip seal must be placed over a Class II, or better, base material as defined by California Department of Transportation standards.

2. Driveways: The driveways serving the primary and secondary dwelling shall be combined where possible. An adjustment may be granted in compliance with Section 22.70.030 if combining driveways is prohibited by a physical site constraint, would result in grading on slopes over 15 percent, or would require the removal of oak trees or other native trees.

3. Within urban and village reserve lines:..

a. The secondary dwelling shall employ a design style compatible with the primary dwelling.

b. When a secondary dwelling is attached to the primary dwelling, the entrances shall be designed to maintain the character of a single dwelling and to avoid the attached secondary dwelling changing the appearance of the primary dwelling to resemble a duplex. The entrance to an attached secondary dwelling shall not be located on the same building face as the entrance to the primary dwelling unless the entrance to both the primary and secondary dwellings is shared.

c. No more than 50 percent of the site shall be covered by structures.

34. Exceptions to design standards. The Review Authority may approve alternatives to the design standards of Subsections F and C.2 in compliance with Section 22.62.050, but shall not approve alternatives to any other provision of this Section. The maximum size of unit as set forth in Subsection F.1, and the maximum size of the garage workshop as set by Subsection F.6, cannot be modified except by a Variance (Section 22.62.070). The maximum distance from the primary unit may be adjusted in compliance with Section 22.70.030 where the secondary dwelling is proposed within an existing structure legally constructed prior to January 1, 2006 and there will be no physical change to the site (no additional footprint or garage space added to serve the secondary unit). Otherwise, the maximum distance from the primary unit may be modified only where the Review Authority first finds the following:

a. Locating the secondary dwelling within the distance as set forth in Subsection F.1. would necessitate the removal of, or impact to, any of the following:

i. Existing improvements, such as swimming pools, wastewater disposal fields, drainage facilities, or water storage tanks.

ii. Sensitive or significant vegetation such as native trees or shrubs, riparian vegetation, vineyards, orchards, or visually prominent trees.

iii. Significant topographic features (steep slopes, ridgelines, bluffs) water courses, wetlands, lakes or ponds, or rocky outcrops.

iv. Archaeological resources.

5. Parking. A secondary dwelling shall be provided one off-street parking space per bedroom

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to a maximum of two spaces, in addition to those required for the primary residence by Chapter 22.18 (Required Parking Spaces - Residential Uses). The parking space shall be located, designed and constructed in compliance with Chapter 22.18, except that for lots of 7,500 square feet or less, the parking may be located within the front setback and tandem with the parking required for the primary dwelling.

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- 6. Garage/workshop.** The garage/workshop for a secondary dwelling is limited to a maximum of 50 percent of the size of the secondary dwelling and is required to be attached to the secondary dwelling. Where the secondary dwelling is constructed on the second floor of the primary dwelling's detached garage, no additional attached or detached garage/workshop shall be permitted.

SECTION 12. That the activity is covered by a Statutory Exemption (pursuant to California Environmental Quality Act Guidelines Section 15282(i) from the California Environmental Quality Act (CEQA).

SECTION 13. If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 14: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 2006, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 2006, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

Chairman of the Board of Supervisors,
County of San Luis Obispo,
State of California

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ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

JAMES B. LINDHOLM, JR.
County Counsel

By:_____
Deputy County Counsel

Dated:_____